

claims 31-42. Applicants respectfully submit that as of April 23, 2002, claims 1-42 were in proper form for U.S. Examination. Accordingly, reconsideration and reentry of these claims is respectfully requested.

The Examiner required restriction of one of the following inventions:

I. Claims 1-4 and 8-11, drawn to a computer system comprising a cooling system of a CPU including a heat exchanger coupled with the CPU.

II. Claim 30, drawn to a cooling system for a computer system, comprising a heat exchanger for cooling an incoming air.

As amended by Applicants' Preliminary Amendment of April 3, 2002 and April 23, 2002, Applicants respectfully submit that claims 1-41 are each directed to a computer system, whereas new claim 42 is directed to a cooling system.

In response to the Examiner's restriction/election requirement, Applicant elects, with traverse, to prosecute Group I including claims 1-41. Applicant specifically reserves the right to file a divisional application directed to non elected claim 42.

With respect to Applicant's traversal, Applicant respectfully directs the Examiner's attention to M.P.E.P. § 803 which states:

"If the search and examination of an entire application can be made without serious burden, the Examiner must examine on the merits, even though it includes claims too distinct or independent invention." (emphasis added)

There are two criteria for a proper requirement for restriction. The invention should be independent or distinct, and

"2) there must be a serious burden on the Examiner if a restriction is not required. See M.P.E.P. §803.092, 806.04 A through J, 808.01(a) and 808.02."

Applicant respectfully submits that the Examiner would not be unduly burdened if forced to examine Groups I and II.

For all of the above stated reasons, reconsideration and withdrawal of the outstanding restriction/election requirement and favorable allowance of all claims in the instant application are earnestly solicited.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Very truly yours,

HARNESS, DICKEY & PIERCE, PLC

By



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